

G. Ruiz



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

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March 12, 2004

**CERTIFIED MAIL**  
**# 7000 1670 0000 0585 9053**  
**RETURN RECEIPT REQUESTED**

**NOTICE OF PAST VIOLATION**

Sunset Tool, Inc.  
58 Optical Avenue  
Keene, New Hampshire 03431

Attn: Mr. Richard E. Hall, President

**Re: Sunset Tool, Inc.**  
**Keene, New Hampshire**  
**EPA ID # NHD982745135**

Dear Mr. Hall:

On November 20, 2003, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Sunset Tool, Inc. ("Sunset"). The purpose of the inspection was to determine Sunset's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1 Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been conducted on Sunset's "Waste Lamps", waste "Tumbler Wash Water", waste "EDM Filters", and waste "Floor Drain Sludge."

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules. DES requested that Sunset conduct hazardous waste determinations for the following:

- (a) "Waste Lamps" generated from the maintenance of facility lighting.
- (b) Waste "Tumbler Wash Water" generated from the processing/finishing of metal parts. Sunset previously disposed of the "Tumbler Wash Water" in the facility's floor drains which are connected to a storm sewer. Laboratory analysis should include, at a minimum, testing to detect the characteristic of toxicity (TCLP metals) using the method described in Env-Wm 403.06.

- (c) Waste "EDM Filters" generated from the treatment of water used in the electrical discharge machine. Although the filters are reused, Sunset routinely disposed of the dried debris deposited on the filters in the facility dumpster. Laboratory analysis should include, at a minimum, testing to detect the characteristic of toxicity (TCLP metals) using the method described in Env-Wm 403.06.
- (d) Waste "Floor Drain Sludge" generated from the accumulation of sediments in the facility's floor drains. Laboratory analysis should include, at a minimum, testing to detect the characteristic of toxicity (TCLP metals) using the method described in Env-Wm 403.06.

*In a Sunset submittal dated January 5, 2004, Richard E. Hall, President, provided the requested hazardous waste determinations.*

- (a) *Sunset elected to manage their "Waste Lamps" as "universal waste" in accordance with Env-Wm 1100. Documentation was provided to substantiate that the universal waste lamp containers located on-site had been closed and labeled. Sunset personnel also claimed that Safety Kleen had been contracted to collect the lamps for off-site recycling. No further action is required.*
- (b) *The Waste "Tumbler Wash Water" was determined to be a non-hazardous waste. Sunset has ceased discharge of the "Tumbler Wash Water" in to the facility storm drain and is pursuing a formal industrial discharge permit with the City of Keene. No further action is required.*
- (c) *The waste "EDM Filters" were determined to be a non-hazardous waste. No further action is required.*
- (d) *The waste "Floor Drain Sludge" was determined to be a non-hazardous waste. No further action is required.*

2. Env-Wm 507.03(a)(1)b., c., and d. - Container Marking

At the time of the inspection, one (1) container of hazardous waste "Parts Washer Solvent" was not marked with the words "hazardous waste", words that identify the contents of the container, and the EPA or state waste number.

Env-Wm 507.03(a)(1)b., c., and d. require that all containers used for the storage of hazardous waste be marked with the following information at the time they are first used to store wastes: the words "hazardous waste"; words that identify the contents of the container; and the EPA or state waste number.

DES requested that Sunset properly mark all containers of hazardous waste at the time they are first used to store waste with: the words "hazardous waste"; words that identify the contents of the container; and the EPA or state waste number.

*In the Sunset submittal dated January 5, 2004, Richard E. Hall, President, provided documentation substantiating that all hazardous waste containers were marked with the words "hazardous waste"; words that identify the contents of the container; and the EPA or state waste number. No further action is required.*

3 Env-Wm 508.02(b)(1) – Small Quantity Generator Storage Requirements

At the time of the inspection, DES confirmed that the required spill control equipment was not present at or near Sunset's hazardous waste storage area.

Env-Wm 508.02(b)(1) requires small quantity generators to maintain emergency equipment, including spill control equipment at or near each hazardous waste storage area.

DES requested that Sunset maintain spill control equipment, such as speedi-dry or absorbent rags, near the outside storage area.

*In the Sunset submittal dated January 5, 2004, Richard E. Hall, President, provided documentation substantiating that spill control equipment was placed at the hazardous waste storage area. No further action is required.*

4 Env-Wm 508.02(c) – Storage Requirements

At the time of the inspection, Sunset had not posted a "No Smoking" sign near ignitable wastes in the hazardous waste storage area.

Env-Wm 508.02(c) requires that generators post a "No Smoking" sign near ignitable or reactive wastes.

DES requested that Sunset post a "No Smoking" sign near ignitable wastes stored in the facility's hazardous waste storage area.

*In the Sunset submittal dated January 5, 2004, Richard E. Hall, President, provided documentation substantiating that a "No Smoking" sign had been placed at the hazardous waste storage area. No further action is required.*

5 Env-Wm 508.02(d) - Storage Requirements

At the time of the inspection, adequate aisle space was not provided for one (1) container of hazardous waste "Parts Washer Solvent" located in the hazardous waste storage area

Env-Wm 508.02(d) requires Small Quantity Generators to maintain a minimum of 2-feet of aisle space to allow for inspection of at least one side of each container at or near each hazardous waste storage area.

DES requested that Sunset maintain the required aisle space for the container of hazardous waste "Parts Washer Solvent" at the hazardous waste storage area.

*In the Sunset submittal dated January 5, 2004, Richard E. Hall, President, provided documentation substantiating that adequate aisle space had been placed between the hazardous waste container in the hazardous waste storage area. No further action is required.*

6. Env-Wm 807.06(b)(7) - Standards for Generators of Used Oil Being Recycled

At the time of inspection, Sunset had not performed a used oil determination for its used "Tramp Oil."

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 including arsenic, cadmium, chromium, lead, flash point, and total halogens (exclusive of PCBs if no source of PCBs is present). As a result, DES requested that Sunset perform a used oil determination for the used "Tramp Oil."

*On January 5, 2004, Sunset provided a laboratory report indicating that the used "Tramp Oil" contained 35.9 parts per million (ppm) of chromium. The level of chromium is in excess of the "off-specification" standard referenced in Env-Wm 807.03 - Table 8.2. In accordance with Env-Wm 807.04(a)(3), used oil shall be classified as a hazardous waste and shall be managed in accordance with the hazardous waste rules if it does not meet the standards for "off-specification" used oil specified in Env-Wm 807.03. As a result, Sunset must manage and dispose of the used "Tramp Oil" pursuant to the requirements of the Hazardous Waste Rules, Env-Wm 100-1100 using the NH01 hazardous waste code and a hazardous waste manifest.*

*DES is aware that Sunset utilizes a variety of different raw material metals to manufacture its finished products. As a result, Sunset may in the future, elect to re-sample the used "Tramp Oil" to determine the applicability of the NH01 waste code.*

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of a report describing the corrective measures taken by Sunset to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll free at (866) HAZ-WAST (in-state only) or at (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Nall of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

 **COPY**

Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

DB/RCRA/NOPV/Archives  
Anthony P. Giunta, P.G., Director, Waste Management Division  
Gretchen Rule Esq., Administrator, DES Legal Unit

E-mail: JJD/SD/SN/PM

Enclosure: Inspection Modules